

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LARRY JOSEPH THOMAS,

No. 2:04-cv-0733-MCE-DAD-P

Petitioner,

v.

ORDER

A.K. SCRIBNER, Warden, et al.,

Respondents.

_____/

Petitioner, a state prisoner proceeding pro se, has filed an application for a writ of habeas corpus pursuant to 28 U.S.C. § 2254. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local General Order No. 262.

On September 1, 2006, the magistrate judge filed findings and recommendations herein which were served on all parties and which contained notice to all parties that any objections to the findings and recommendations were to be filed within ten days. Neither party has filed objections to the findings and recommendations.¹

¹ On September 11, 2006, petitioner filed a document styled, "Objections To Magistrate Judges [sic] Findings An [sic] Recommendations [sic]." However, the court construes petitioner's objections as a request for reconsideration of the court's September 1, 2006 order denying petitioner's motion for the appointment of counsel.

1 The court has reviewed the file and finds the findings and recommendations to be
2 supported by the record and by the magistrate judge's analysis. Accordingly, IT IS HEREBY
3 ORDERED that:

- 4 1. The findings and recommendations filed September 1, 2006, are adopted in full;
5 2. Respondents' November 7, 2005 motion to dismiss is denied; and
6 3. Respondents are ordered to file an answer to the amended petition for a writ of habeas
7 corpus, filed on April 29, 2004.

8 DATED: September 21, 2006

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11 MORRISON C. ENGLAND, JR.
12 UNITED STATES DISTRICT JUDGE
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